

CHAPTER 2

LAND USE ELEMENT

Purpose

The text and policies of the Land Use Element, and the General Plan Diagram (color foldout on page 2-3) provide the physical framework for development in the Planning Area. The Diagram designates the proposed general location, distribution and extent of land uses. Uses on sites less than two acres in size are generally not depicted on the Diagram. As required by state law, land use classifications, shown as letter designations, labels or graphic patterns on the Diagram, specify a range for population density and building intensity for each type of designated land use. These standards of population density and building intensity allow circulation and public facility needs to be determined; they also reflect the environmental carrying-capacity limitations established by other elements of the General Plan.

Relationship to Other Elements

The Land Use Element correlates land use policies contained in the other elements. Land Use designations on the General Plan Diagram, and building density and intensity standards contained in the Land Use Element provide a basis for determining future traffic conditions and the need for capital facilities, such as street improvements, parks and schools.

2.1 Population and Growth

Population Growth

The Planning Area's 2000 population is 62,698. Between 1980 and 1990, the Planning Area grew at a rate of 2.44 percent per year, twice as fast as Santa Clara County as a whole (Table 2-1). The City has recently (between 1990 and 2000) grown at an even faster rate as compared to the County (2.1 percent compared to 1.2 percent per year).

Buildout under the 2002 land use designations of the General Plan would result in an additional population of approximately 13,708 in the City, or a total population of about 77,100 in the Planning Area. However, this may be affected as a result of any Plan amendments that may subsequently be adopted.

Table 2-1					
Population Estimates and Projections					
	1980	1990	2000	2005 Population Projections	Estimated Buildout Population
City of Milpitas	37,820	50,690	62,698	67,300	76,406 ^b
Milpitas Planning Area	37,950	50,951	63,392	68,000	77,100 ^b
Santa Clara County	1,295,073	1,497,577	1,682,585	1,803,585	2,007,500 ^a
<p>^a ABAG's Projections 2002, projects a 2020 population of 2,007,500 for Santa Clara County.</p> <p>^b Adjusted to include General Plan Amendments since 1997 and the 2002 Midtown Specific Plan, projects a 2020 population.</p> <p>Sources: City of Milpitas, 2001; California Department of Finance, 2001; Association of Bay Area Governments, 2001, 2002; and U.S. Census, 2000.</p>					

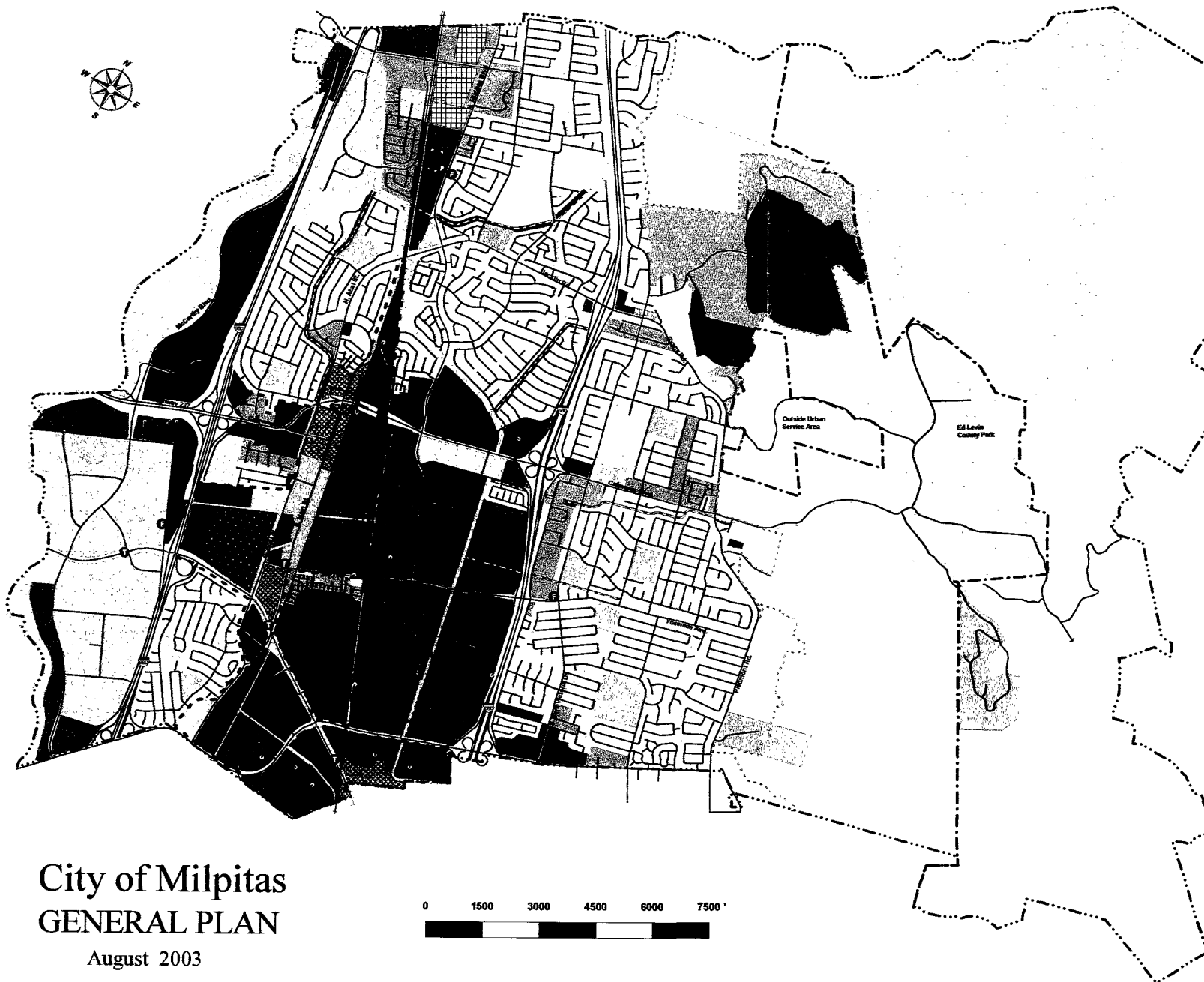
While buildout of the General Plan is expected to occur over a 15- to 25-year period, the time at which buildout would occur is not specified in or anticipated by the Plan.

Land Availability

Table 2-2 summarizes the status, as of April 2002, of developed and vacant land within City limits under the different General Plan land use classifications. About one-third of the developed land in the Valley Floor is devoted to Single Family Low-Density Residential use, with all designated residential areas accounting for about 46 percent of the Valley Floor. Half of the vacant land in the Valley Floor is designated for industrial (Manufacturing and Industrial Park) uses. About 15 percent of the total land in the Valley Floor is vacant and available for development.

Table 2-2 2002 Citywide Land Availability						
	DEVELOPED		UNDEVELOPED¹		TOTAL	
	Acres	Units	Acres ²	Units ³	Acres	Units
HILLSIDE						
Hillside Medium Density	89	96	16	9	105	105
Hillside Low Density	218	39	154	39	372	78
Hillside Very Low Density	41	15	3,577	40	3,618	55
Ed. R. Levin County Park	1,530	0	0	0	1,530	0
Total Hillside	1,878	150	3,747	88	5,625	238
VALLEY FLOOR						
Single Family Low Density	2,092	9,471	7	36	2,099	9,507
Single Family Mod. Density	185	1,359	30	283	215	1,642
Multi-Family Med. Density	165	1,417	0	0	165	1,417
Multi-Family High Density	324	4,339	27	435	351	4,774
Town Center	82	266	9	0	91	266
Professional/Admin. Office	12	0	2	0	14	0
Retail Subcenter	56	0	4	0	60	0
General Commercial	385	0	27	0	412	0
Highway Service	227	563	44	0	271	563
Industrial Park	678	0	272	0	950	0
Manufacturing	797	0	57	0	854	0

Public	298	0	13	0	311	0
Parks and Greenways	264	0	83	0	347	0
Major Streets, Freeways & Rail	604	0	48	0	652	0
Total Valley Floor	6,169	17,428	623	886	6,792	18,314
TOTAL HILLSIDE AND VALLEY FLOOR	8,047	17,578	4,370	974	12,417	18,521
<p>1 Undeveloped acres include parcels that are either vacant or under-developed in terms of their potential under the current General Plan land use designation.</p> <p>2 Area is in "gross acres" (i.e., includes minor streets, storm channels, etc.).</p> <p>3 Estimate of potential number of future dwelling units.</p>						



City of Milpitas GENERAL PLAN

August 2003



LEGEND:

- Hillside Very Low Density
(up to 1.0 units/10 gross acres)
- Hillside Low Density
(up to 1.0 units/gross acre)
- Hillside Medium Density
(up to 3.0 units/gross acre)
- Single Family Low Density
(3-5 units/gross acre)
- Single Family Moderate Density
(6-15 units/gross acre)
- Multi-Family Medium Density
(7-11 units/gross acre)
- Multi-Family High Density
(12-20 units/gross acre, up to 40 units/gross acre with special findings and PUD approval)
- Multi-Family Very High Density
(31-40 units/gross acre, up to 60 units/gross acre in TOD)
- Mobile Home Park
- Professional/Administrative Office
- Retail Sub-Center
- Highway Services
- General Commercial
- Town Center
- Mixed Use
- Manufacturing & Warehousing
- Industrial Park
- Schools
- Correctional Facility
- Park and Open Space
- Creeks
- Waterways
- Sphere of Influence
- Urban Service Boundary
- Urban Growth Boundary *
- Fire Stations
- Police Station
- LRT Stations
- Midtown boundary
- light_rail
- railroads

* The UGB line is located along property lines except for APNs 92-35-002, 92-34-008, and the Lee's Orchard Subdivision where the line is located along the 400 foot contour as shown on the City's contour maps.

2.2 Land Use Classifications

The following descriptions apply to land uses indicated on the General Plan Diagram. The legend on the General Plan Diagram is an abbreviated version of the descriptions. The classifications represent adopted City policy and are meant to be clear, but broad enough to give the City flexibility in implementing the Plan. The City's Zoning Ordinance contains more detailed use provisions and development standards than are described in the classifications. More than one zoning district may be consistent with a single General Plan land use classification. Table 2-3 shows a correspondence between the General Plan and the Zoning Ordinance.

According to state law, the General Plan must establish standards of population density and building intensity for each land use classification. The General Plan expresses residential density as housing units and persons per gross acre, as established in Table 2-4 and the land use classifications that follow. Density ranges specified for each category are discrete and not cumulative. However, housing types are cumulative (i.e. single family units are permitted in areas designated for multifamily use), provided the overall development project falls within the stipulated density range. If a project's density falls between the density ranges of separate designations, its density is to be rounded to the nearest whole number to determine if it conforms to the indicated General Plan density range. For example, in Multifamily Medium Density (7-11 units per gross acre) areas, a residential project would have to have a gross density of at least 6.5 units per acre and less than 12.5 units per acre in order to be in conformance with that General Plan designation.

For nonresidential uses, a maximum permitted ratio of gross floor area to site area (FAR) is specified. FAR is a broad measure of building bulk that controls both visual prominence and traffic generated. It can be clearly translated to a limit on building floor area in the Zoning Ordinance and is independent of the type of use occupying the building. The Zoning Ordinance will include provisions for reviewing and approving deviations from the FAR limitations for uses with low employee densities, such as wholesaling and distribution, or low peak-hour traffic generation, such as a hospital.

The density/intensity standards do not imply that development projects will be approved at the maximum density or intensity specified for each use. Zoning regulations consistent with General Plan policies and/or site conditions may reduce development potential within the ranges stated in the Plan.

Valley Floor

The following use descriptions apply to the Valley Floor portion of the Planning Area.

RESIDENTIAL

Residential densities are expressed as a range of housing units per gross acre of developable land, provided that at least one housing unit may be built on each existing legally-subdivided parcel designated for residential use. Second units permitted by local regulations (i.e. "granny flats", "in-law units"), and state-mandated density bonuses for affordable housing are in addition to densities otherwise permitted.

Table 2-3 Milpitas General Plan Land Use/Zoning Consistency

General Plan
Land Use Designations
HILLSIDE

Zoning Districts

	R1-H	R1-6	R1-5	R1-4	R1-3	R1-2.5	R2	R3	CO	C1	C2	HS	TC	M1	M2	MP	A
Very Low Density	●																
Low Density	● ³																
Medium Density	● ³																
VALLEY FLOOR																	
S.F. ¹ Low Density		● ₍₅₎															● ⁵
S.F. Moderate Density			● ₍₆₎	◐ ₍₈₎	◐ ₍₁₀₎	○ ₍₁₅₎											● ⁵
M.F. ² Medium Density							● ₍₁₁₎										● ⁵
M.F. High Density								● ₍₂₀₎ <40>									● ⁵
Mobil Home Park		◐ ₍₇₎					◐ ₍₇₎	◐ ₍₈₎				◐ ⁴ ₍₈₎					● ⁵
Prof/Admin. Office									●								● ⁵
Retail Subcenter										●							● ⁵
General Commercial											●						● ⁵
Highway Service												●		●			● ⁵
Industrial Park																●	● ⁵
Manufacturing														●	●		● ⁵
Town Center													● _{<40>}				

¹ Single Family

² Multi Family

³ Existing development built under prior zoning.

⁴ Existing mobile home parks built at higher density than currently allowed by zoning.

⁵ Interim zoning rezoning required for development.

● Consistent

◐ Consistent if proposed use is found by the City Council to be consistent with policies and programs of the General Plan and is compatible with the surrounding neighborhood.

○ Consistent only on sites 5 acres or less and if specific findings are made.

(blank) Inconsistent

(20)

<40>

Maximum number of dwelling units per gross acre for Planned Unit Developments.
Maximum number of dwelling units per gross acre when specific findings are made.

Note: Parks, public schools, police and fire stations, and other city-owned buildings may be in any zoning district.

Table 2-4				
Standards For Density And Development Intensity				
Land Use Designation	Residential Density (units/ gross acre)	Maximum Per- mitted Floor- Area Ratio — FAR	Residential Population	
			Persons/ Housing Unit ¹	Persons/ Acre
VALLEY FLOOR				
Residential				
Single-family Low	3-5	n.a.	3.6	11-18
Single-family Moderate	6-15	n.a.	3.4	20-51
Multifamily Medium ^a	7-11	n.a.	3.3	23-36
Multifamily High	12-20	n.a.	2.8	34-56
Multifamily High with Special PUD approval	21-40	n.a.	2.69	56-108
Multifamily Very High	31-40	n.a.	2.69	83-108
Multifamily Very High with TOD Overlay	41-60	n.a.	2.69	110-161
Mobile home Park	6-7	n.a.	1.6	10-11
Mixed Use				
Mixed Use (Residential)	21-30	n.a.	2.69	56-81
Mixed Use (Residential) with TOD Overlay	31-40	n.a.	2.69	83-108
Mixed Use (Non- Residential)	n.a.	.75	n.a.	n.a.
Mixed Use (Non Residential) with TOD overlay	n.a.	1.0	n.a.	n.a.
Commercial				
Town Center	up to 40 ²	0.85	3	3
General Commercial ^a	n.a.	0.50	n.a.	n.a.
Retail Sub-center ^a	n.a.	0.35	n.a.	n.a.
Professional and Administrative Office	n.a.	0.5	n.a.	n.a.
Industrial				
Industrial Park	n.a.	0.5	n.a.	n.a.

Table 2-4 Standards For Density And Development Intensity				
Land Use Designation	Residential Density (units/ gross acre)	Maximum Permitted Floor-Area Ratio — FAR	Residential Population	
			Persons/ Housing Unit¹	Persons/ Acre
Manufacturing and Warehousing ^a	n.a.	0.4	n.a.	n.a.
HILLSIDE				
Residential				
Very Low Density	up to 0.1	n.a.	3.6	less than 1
Low Density	up to 1.0	n.a.	3.6	up to 4
Medium Density	up to 3.0	n.a.	3.6	up to 11
^a The TOD Overlay does not change the standards for density and development intensity for the underlying land use designations. ¹ Based on an overall average 3.61 household population per Milpitas total housing unit (Census 2000). ² Findings necessary. ³ Depends on the density of housing provided.				

Single-family Low Density. 3 to 5 units per gross acre. All housing units are to be individually owned, either on separate lots or as part of a clustered Planned Unit Development. Single-unit detached residences will be the typical housing type in this category.

Single-family Moderate Density. 6 to 15 units per gross acre. All housing units are to be individually owned, either on separate lots or as part of a clustered Planned Unit Development. Developments with densities ranging from 7 to 10 units per acre may be approved only if proposals are found to be consistent with policies and programs of the General Plan and compatible with the surrounding neighborhood. Single-unit attached residences will typically be built within this density range. Densities higher than 10 units per acre would be consistent only for sites of 5 acres or less, accompanied by specific findings relating to:

- Appropriate relationship to surrounding land uses.
- Affordability (for PUDs the acceptable floor area range is 600 to 1,100 sq. ft.)

Multifamily Medium Density. 7 to 11 units per gross acre. This density range would allow single-family attached and semi-detached houses and duplexes.

Multifamily High Density. 12 to 20 units per gross acre. This density range would accommodate a variety of housing types, ranging from row houses to triplexes and four-plexes, stacked townhouses and walk-up garden apartments. Densities up to 40 units per gross acre may be permitted for proposals designed as Planned Unit Developments (PUDs) provided that the following criteria are met:

- Sewer and water service is sufficient to accommodate the proposal as well as other developments permitted by the General Plan. Any improvements to the sewer or water system that would be required to accommodate any such higher density proposals would be made conditions of project approval;
- Cumulative traffic, from the increased density and other existing or future projects, must not cause any street intersection to operate below Level of Service (LOS) E; and
- The design of such higher density projects will not have adverse shadow, view obstruction or loss of privacy impacts that are not mitigated to acceptable levels.

Multifamily Very High Density. This designation allows for multifamily housing at 31 to 40 dwelling units per gross acre. This density range would accommodate a variety of housing types, ranging from row houses and townhouses to lofts and stacked flats with structured parking. Increased densities are permitted within the Transit Oriented Development overlay zone (TOD). Refer to page 2-15.

Mobile-home Park. This is an overlay category that may be combined with Single-family Low Density, Multifamily Medium Density and Multifamily High Density Residential, or Highway Service classifications. Mobile home Park, along with accessory uses, is the permitted use. Maximum residential density would range from 6 to 7 units per gross acre when combined with the use classifications as follows:

- **Single-family Low Density Residential:** 6 housing units per gross acre.
- **Multifamily Medium & High Density Residential, and Highway Service:** 7 housing units per gross acre.

In addition to the above-stipulated densities, one additional housing unit per gross acre may be permitted upon a finding by the Planning Commission that the proposed project is of a superior functional and aesthetic design based upon it exceeding adopted mobile home park development standards.

MIXED USE

Mixed Use. Residential component: 21 to 30 units per gross acre; non-residential component: FAR of .75 . This designation allows for commercial offices, retail and services, high density residential and public and quasi-public uses. Mixed-use buildings can contain a combination of residential and commercial uses. The intensity for the non-residential component is a maximum floor area ratio (FAR) of .75. The residential density is 21 to 30 units per gross acre and is calculated separately from the non-residential component. Increased residential densities are permitted within the Transit Overlay District (TOD). Refer to page 2-15.

COMMERCIAL

Town Center. This designation provides for a variety of commercial, civic and residential uses appropriate to the Center's role as the functional and visual focus of Milpitas. The Town Center is a meeting place and a market place, the home of commercial and professional firms, an entertainment area and a place for restaurants and hotels. The Center consists of two distinct sub-areas, one to the east of Hillview Drive, the other to the west. The development concept for the Town Center is to have predominantly office and highway serving uses (hotels, restaurants, etc.) in the East Area, and predominantly retail and entertainment uses in the West Area. This separation into distinct sub-areas allows for a variety of uses within the Town Center and yet, through their separateness, ensures that they will reinforce rather than negatively affect each other.

Because of this unique and relatively intensive mix of activities, very high density residential developments (i.e., up to 40 units per acres) may be permitted within the Town Center because of the increased economic support the residents would offer to the commercial uses.

General Commercial. This classification provides for a wide range of retail sales, and personal and business services accessed primarily by the automobile. It includes commercial uses in which shopping may be conducted by people walking to several stores as in a center, and may include uses customarily of a single-purpose character served from an adjacently parked automobile.

Retail Sub-Center. This classification accommodates neighborhood shopping facilities that provide for convenience needs, such as groceries and minor hardgood purchases. The General Plan provides for nine sub-centers, between two and 20 acres in size, distributed throughout the City.

Professional and Administrative Office. This classification provides advantageous locations for medical, law, and similar services required to serve residents and businesses. While office uses can be located in all of the commercial districts, the Professional Administrative Office areas are solely for these uses.

Highway Service. This classification provides for motels, mobile home parks, and non-retail services such as car-rental offices. Eight highway service areas are designated on the General Plan Diagram, typically at the intersection of major streets and/or freeways.

INDUSTRIAL

Manufacturing. This classification encompasses a variety of light and heavy industrial activities, such as manufacturing, packaging, processing, warehousing and distribution, and ancillary support uses.

Industrial Park. This classification accommodates research, professional, packaging and distribution facilities in a park-like setting, free from noise, odor and other such nuisances.

HILLSIDE

The Hillside Area comprises approximately 6,000 acres generally east of Piedmont Road, Evans Road and the portion of North Park Victoria Drive north of Evans Road. The undeveloped portion of the Hillside Area is characterized by gentle to steep slopes, grassy terrain with some chaparral and trees, wildlife, geologically unstable areas, the Ed R. Levin County Regional Park, and a feeling of remoteness from the more urban portions of the City. These conditions warrant Plan proposals and use classifications that differ considerably from those for the Valley Floor Area.

To ensure safety and to preserve its natural ambiance, all development in the Hillside Area is to be of low-density rural residential nature. Three categories of residential uses are provided. The Low and the Medium Density categories accommodate existing development; all new development is to be at a Very Low Density.

RESIDENTIAL

Residential densities are per gross acre of developable land provided that at least one housing unit may be built on each existing parcel designated for residential use. Densities outlined in the classifications are maximums for the classifications; these decrease with increase in slope as outlined in the classifications and defined in detail in the City's Zoning Ordinance. The City may further reduce the permitted density on a site if such a reduction is necessary or appropriate for reasons of site conditions, access, views or geologic hazards. Second units permitted by local regulations and state access-mandated density bonuses for affordable housing are in addition to densities otherwise permitted.

Very Low Density. The maximum permitted density for this classification is one dwelling unit per ten gross acres. The maximum density decreases with increase in slope until 80 acres per housing unit is required for land with an average slope of 50 percent or greater. This designation includes most of the Hillside Area.

Low Density. The maximum density for this classification is 1.0 housing unit per gross acre. This density decreases with increase in slope until ten acres of land are required per housing unit for sites with an average slope of 27 percent or more. Three relatively small areas of the Hillside (representing prior developments) are shown on the General Plan Diagram with this designation.

Medium Density. The maximum density for this classification is approximately 3.0 units per gross acre on level land and decreases with increasing slope until ten acres of land are required per unit for sites with an average slope of approximately 27 percent or more. Areas designated as Medium Density (all existing) include:

- Development along the base of the hillside area;
- Summit Point residential/Tularcitor golf course;
- Calaveras Ridge PUD; and
- The Lytton-Everett Subdivision off Country Club Drive.

OVERLAY ZONES

Transit Oriented Development (TOD) Overlay Zone

The Transit Oriented Development (TOD) Overlay Zones are located near transit stations, and are applicable to land generally located within a 2,000 foot walking distance from a Light Rail Station or future BART station. Development within the TOD overlay zone is subject to special requirements regarding development density, parking, mix of uses, and transit supportive design features.

The south Midtown TOD increases densities in the Multifamily-Very High Density designation to a range of 41 to 60 dwelling units per gross acre. The north Midtown TOD increases densities in the Mixed Use designation to a range of 31 to 40 dwelling units per gross acre.

Gateway Office Overlay Zone

The Gateway Office Overlay Zone is located in areas that are well-suited for a 'gateway' higher intensity office development. This overlay zone allows office developments to be developed to an intensity of FAR 1.5 for Class A office only; not for retail or other office buildings.

2.3 Jobs/Housing Relationship

Milpitas is one of the fastest growing employment centers in Santa Clara County. Between 1980 and 2000, Milpitas added jobs at about twice (1.85 times) the rate of Santa Clara County, going from a 1980 deficiency of jobs compared to employed residents to over 35 percent more jobs than employed residents in both 1990 and 2000 (Table 2-5). Leading employers in the City are manufacturers of computer peripherals, electronic and medical equipment.

Table 2-5 Growth in Jobs and Employed Residents Milpitas and Santa Clara County									
	1980			1990			2000		
	Employed Residents	Jobs	Jobs/ Employed Residents	Employed Residents	Jobs	Jobs/ Employed Residents	Employed Residents	Jobs	Jobs/ Employed Residents
Milpitas Planning Area	19,000	16,059	0.85	26,339	35,290	1.35	35,153	47,280	1.34
Santa Clara County	666,510	702,922	1.05	812,345	864,110	1.06	959,071	1,09,233	1.14
Sources: Projections 2002 ABAG; U.S. Census data 1980, 1990, and 2000.									

Despite this large increase in jobs and the resulting surplus, only 21 percent of workers who live in Milpitas actually work in the City (Table 2-6). Increasingly, jobs in Milpitas, like other places in the Bay Area, are being filled by workers who work in places outside the ones they reside in. This is reflected in the growing inter-city and inter-county commuting and increasing commuting times in the South Bay¹. Out of City residents fill an estimated 85 percent of jobs in

¹ Between 1980 and 1990, the percentage of workers living in Santa Clara County who also worked in the County decreased from 92.5 to 89.2 percent. The number of inter-county commuters living in the County increased by 60.9 percent between 1980 and 1990, even though the total number of commuters increased by 22.3 percent.

Milpitas. Because Milpitas is a part of larger urban Bay Area, with many job and housing opportunities within commuting distance of the City, a greater balance between the number of jobs and housing in Milpitas will not by itself lead to a decline in commuting to and from the City.

Table 2-6	
Place of Work of Workers Living in Milpitas, 1990	
Milpitas	5,449
San Jose or Palo Alto	7,630
Elsewhere Santa Clara County	8,590
Ca. Outside Santa Clara County	4,053
Outside of State	35
Total Workers	25,757
Source: U.S. Census, 1990.	

Employment Growth Prospects

According to projections by the Association of Bay Area Governments, Milpitas will add about 5,950 jobs between 1990 and 2010. Only San Jose will add more jobs in the County during the period. Application of average development and employment intensities to vacant sites shows that Milpitas would be able to accommodate about 25,400 new jobs under current General Plan designations (Table 2-7), more than enough to meet projected needs over the next 20 years.

Table 2-7 Land Availability For Job Growth, 2000				
General Plan Land Use Designation	2000 Vacant and Under-developed Land (Acres)	Estimated Potential New Jobs ¹	Assumptions	
			Average FAR	Building square feet/employee
Professional/Administrative Office	2	80	.35	375
Retail Subcenter	4	122	.25	500
General Commercial	27	823	.25	500
Highway Service	34	741	.25	500
Industrial Park	272	12,006	.35	375
Manufacturing	57	2,317	.35	375
Town Center	9	277	.30	425
Mixed Use	6	184	.30	425
Mixed Use w/ TOD Overlay	10	307	.30	425
General Commercial w/ Gateway Office Overlay	12	2,091	1.5	375
Total	433 Acres	18,948 Jobs		
FAR = Building floor area to site area ratio.				
¹ Estimated new jobs rounded to nearest 10.				

2.4 Schools

Facilities and Enrollment

The Planning Area is served by the Milpitas Unified School District (MUSD), Berryessa Union High School District and Eastside Union School District. MUSD operates nine elementary (grades K-5; Burnett, Curtner, Pameroy, Randall, Rose, Sinnott, Spangler, Weller and Zanker), two middle (grades 6-8; Rancho Milpitas and Russell) and two high (grades 9-12; Milpitas High and Calaveras Hills) schools. In addition to public schools, private and parochial schools also serve the Area. A total of 9,445 students were enrolled in the MUSD in October 2001; less than the total capacity of 10,380 (Table 2-8). The Berryessa Union High School District had a total enrollment of 8,700 students; less than the capacity of 9,764 and the Eastside Union School District had a total enrollment of 4,200 students; less than the capacity of 5,000 as of October 2001.

Table 2-8 Capacity, Enrollment, and Projected Increase			
Milpitas Unified School District			
Grade ¹	Capacity	Total Enrollment	Additional Enrollment from General Plan Buildout
K-6	5760	5079	237
7-8	1590	1,431	68
9-12	3030	2,844	136
Community		20	
Home School		6	
Home Teach		1	
Individual study		64	
Total	10,380	9,445	441
Berryessa Union School District			
Grade	Capacity	Total Enrollment	Additional Enrollment from General Plan Buildout

Table 2-8 Capacity, Enrollment, and Projected Increase			
K-8	9,764	8,700	166
Total	9,764	8,700	166
Eastside Union School District			
Grade	Capacity	Total Enrollment	Additional Enrollment from General Plan Buildout
9-12	5000	4,200±	95
Total	5000	4,200±	95
Source: Milpitas Unified School District, October 2001, Carl Black. East Side Union High School District, October 2001, Stan Dobbs. Berryessa Union School District, October 2001, Pamela Dayoff.			

Projections

Growth from the buildout of the General Plan would result in the addition of 441 students. Table 2-8 lists the additional students that would be generated by grade category using MUSD's student generation rates of 0.27 students per single family dwelling unit, 0.124 students per townhome/condominium dwelling unit, 0.235 students per multifamily dwelling unit below market rate housing, and .170 students per multifamily dwelling unit; and broken down by grade in proportion to the current enrollment.¹

The School Facilities Act of 1986 expressly prohibits denial of a project based on the adequacy of school facilities. However, courts have held that prohibitions apply only to adjudicatory approvals (such as tentative maps, use permits, design review, etc.), but not to legislative approvals (such as general plan amendments, specific plans, etc.).

Milpitas currently levies state-mandated fees for new residential, commercial and industrial development at the time of building permit issuance in accordance with more recent statutes and court decisions.

¹ Source: Milpitas Unified School District, October 2001, Carl Black, Assistant Superintendent.

2.5 Public Facilities and Utilities

For information on safety services and emergency management please see Chapter 5: Seismic and Safety Element. For water conservation, see Section 4.4: Water Quality and Conservation.

Government Facilities

The Civic Center (consisting of City Hall, Community Center and Library) is adjacent to the Town Center. The Police Station and Corporation Yard are located on the west side of North Milpitas Boulevard. There are four fire stations located throughout the Valley Floor Area. The locations of these City facilities, as well as the County's Elmwood Correctional Facility on Abel Street, are indicated on the General Plan Diagram.

Water Supply

The City receives water from the San Francisco Water Department (SFWD) through the Hetch-Hetchy system by connections on two of the four local aqueducts that transport water from mountain reservoirs to San Francisco and the Peninsula. While the SFWD aqueduct is able to meet the City's demand, the City's 1980 *Water Master Plan* concluded that it would be more cost effective for the City to obtain some of its water from the Santa Clara Valley Water District (SCVWD). As a result, industrial areas in the southwestern part of the City have since August 1993 been receiving water from the SCVWD.

The 1999/2000 average water consumption in the City was approximately 12,672 acre feet per year. The projected domestic water purchases for 2004/2005 will be 15,500 acre feet per year. The locations of the two water storage tank sites are indicated on the General Plan diagram Figure 2-1). The City is in the process of updating its Water Master Plan with estimated completion in winter 2003.

Wastewater Services

The San Jose/Santa Clara Water Pollution Control Plant (WPCP), the wastewater treatment facility for the City, is located in San Jose. It is a tertiary regional facility serving San Jose, Santa Clara, Milpitas, West Valley Sanitation District, Cupertino Sanitary District, County Sanitary District 2-3, Burbank Sanitary District, and the Sunol Sanitary District. Milpitas wastewater service area is contiguous with the City boundaries.

Capacity and Discharge. In 2001, the City discharged 9.0 mgd and is contractually limited to a flow of 12.5 mgd. The dry weather flow rate was 9.24 mgd in 2000. The WPCP has a dry-weather total capacity of 167 mgd, and a current average daily flow of approximately 110 mgd. There are no plans to increase the capacity of the WPCP. To mitigate a discharge-limit cap, conditions to WPCP's National Pollution Discharge Elimination System discharge permit have

been imposed (see Section 4.4). The location of the City's sewer pump station is indicated on the General Plan diagram.

Current Programs. In order to allow the WPCP to meet the more stringent discharge requirements into the Bay, Milpitas is participating in conservation programs and plans to divert flows to reclamation systems. Reclaimed water to supplement potable irrigation water became available in 2000. The City is also considering participating in a program to assist industrial dischargers install pollution control facilities to meet the more stringent discharge requirements.

The City completed an inflow and infiltration sewer remedial program in 1989. The City also updated its sewer master plan in 1994.

2.6 Land Use Principles and Policies

a. Land Use

Guiding Principles

- 2.a-G-1** Maintain a land use program that balances Milpitas' regional and local roles by providing for a highly amenable community environment and a thriving regional industrial center.
- 2.a-G-2** Maintain a relatively compact urban form.
- 2.a-G-3** Provide for a variety of housing types and densities that meet the needs of individuals and families.
- 2.a-G-4** The Town Center will be the "heart" of Milpitas' civic, cultural, business, and professional life.
- 2.a-G-5** A park-like setting will be created by a series of local parks, school sites, trails, and a greenway system laced throughout all living areas.
- 2.a-G-6** Implement the Midtown Specific Plan goals, policies and development standards and guidelines to create a mixed-use community that includes high-density, transit-oriented housing and a central community 'gathering place' while maintaining needed industrial, service and commercial uses.

Implementing Policies

Development Intensity

- 2.a-I-1** New developments should not exceed the building intensity limits established in the General Plan.

Housing density standards consistent with the General Plan are already established in the Zoning Ordinance. Limits on development intensity are required by state law.

Growth and Expansion

- 2.a I-2** Promote development within the incorporated limits which acts to fill-in the urban fabric rather than providing costly expansion of urban services into outlying areas.

- 2.a I-2.1** Maintain an Urban Growth Boundary in the hillside area, as shown on the General Plan Land Use Map, that shall be effective until December 31, 2018 and, except as otherwise provided below, shall not be moved until that time.

- A. City Services Prohibited in Area Outside the Urban Growth Boundary and Outside the City Limits:** The City shall not process, approve or authorize construction or provision of any City service or City service extension to any property or people in that area located both outside of the Urban Growth Boundary and outside of the city limits of the City of Milpitas, except as expressly provided in this Policy 2.a I-2.1A. "City service" means any water, sanitary sewer, storm drain, flood control, road maintenance, sidewalk maintenance, police, fire or emergency medical service, including construction of related infrastructure that the City, its agents, its departments, or its contractors, provides to any property or people within the City limits. The City may provide a City service or City service extension to property or people outside of the Urban Growth Boundary only if:

1. *Declared Public Emergency:* The City Council declares a local emergency pursuant to Government Code § 8630 et seq. or Milpitas Municipal Code Title V, Chapter V-1 as they presently exist or may be amended in the future and the City Council finds, based on substantial evidence, that: (1) the extension or provision of service on a temporary basis is necessary to ensure public safety and (2) the extension or provision of service is for a specified limited time period;
2. *Urgent Public Health or Safety Concern Affecting Existing Development:* The City Council finds, based on substantial evidence, that: (1) an urgent public health or safety concern exists; (2) an independent, certified professional engineer approved by the City has concluded that the only economically justifiable solution to that public health or safety concern is to provide or extend City service; (3) on or before November 3, 1998, the legal parcel affected by that public health or safety concern had either a vested right to develop an approved land use or an approved and recorded final subdivision map pursuant to which residential units had been constructed within said subdivision; and 4) the applicant for the provision or extension of such City service has agreed to pay for its proportionate share of the service or service extension costs including, but not limited to, any engineering, design, inspection, land acquisition or review or other capital or operating costs incurred by the City. Any City service extension constructed under this Policy 2.a I-2.1A.(ii) shall be constructed in accordance with Section XI-1-7 of the Milpitas Municipal Code (regarding developer installation of improvements);
3. *Parks and Open Space:* The City Council finds, based on substantial evidence, that: (1) the property is operated as park or open space for the benefit of the general public and owned by either a private open-space trust or a government agency, authority, or district; (2) there would be minimal alteration (e.g. trails and fire roads) of the natural land forms as a result of any land use approval or modification; and (3) the property either will be used exclusively for passive recreational uses consistent with the rural character and indigenous plant and animal species of the hillsides, or contains a designated historic building(s) or setting that will be used for a purpose related to the historic significance of the site. Any property that is extended or provided City service under this Policy 2.a I-2.1.A.(i) shall not be used as golf course, ball field, ball court, amphitheater, amusement park, gymnasium or auditorium; or

4. *Mutual Aid Agreements with Other Public Agencies:* The City Council finds, based on substantial evidence, that: (1) the City services to be provided are limited to police, fire or emergency medical services, (2) such services are provided pursuant to a written agreement between the City of Milpitas and another public agency, (3) the agreement provides mutual benefits to both the City of Milpitas and the other agency to the agreement, and (4) the agreement benefits all or substantially all of the residents of the City of Milpitas.

B. Limited City Services Available in Areas Outside the Urban Growth

Boundary and Within the City Limits: The City may provide police, fire or emergency medical service to any property or people in that area located both outside of the Urban Growth Boundary and within the city limits of the City of Milpitas. "City police, fire or emergency medical service" means any police, fire or emergency medical service, including construction of directly related infrastructure [except new stations] that the City, its departments, agents or contractors provides to any property or people within the City limits. Other than police, fire and emergency medical services specified herein, the City shall not process, approve or authorize construction or provision of any City service or City service extension to any property or people in that area located both outside of the Urban Growth Boundary and within the city limits of the City of Milpitas, except as expressly provided in this Policy 2.a I-2.1A. For purposes of this section, "City service" means any water, sanitary sewer, storm drain, flood control, road maintenance, sidewalk maintenance, including construction of related infrastructure that the City, its agents, its departments, or its contractors, provides to any property or people within the City limits. Notwithstanding any prohibition provided in this paragraph, the City may continue to maintain and/or repair that portion of Calaveras Road within the City limits and outside of the Urban Growth Boundary.

C. Amendments to the Urban Growth Boundary: Until December 31, 2018, the Urban Growth Boundary may only be amended as follows:

1. The Urban Growth Boundary may be amended by a vote of the People of the City of Milpitas;
2. To comply with state law regarding the provision of housing for all economic segments of the community, the City Council may amend the Urban Growth Boundary to accommodate lands designated or to be designated for residential uses. No more than 3 acres of land may be brought within the Urban Growth Boundary for this purpose in any calendar year. Land added to the Urban Growth Boundary pursuant to this section must be contiguous to land already within the Urban Growth Boundary. Such amendment may be adopted only if the City Council makes all of the following findings, based on substantial evidence:

- a. That the land is to be included within the Urban Growth Boundary not designated as existing regional parks in the Santa Clara County General Plan adopted December 20, 1994, as amended through August 3, 1998; and
 - b. That the land is immediately adjacent to (i) the existing Urban Growth Boundary, and (ii) existing serviceable water and sewer connections;
 - c. That the proposed development will consist of primarily low and very low income housing pursuant to the Housing Element of this General Plan; and
 - d. That there is no existing residentially designated land within the Urban Growth Boundary to accommodate the proposed development and it is not reasonably feasible to accommodate the proposed development by redesignating lands inside the Urban Growth Boundary for low and very low income housing; and
 - e. That the proposed development is necessary to comply with state law requirements for provision of low and very low income housing and the area of land within the proposed development will not exceed the minimum necessary to comply with state law; or
3. The City Council may amend the Urban Growth Boundary if it makes both of the following findings:
- a. The application of any aspect of the Urban Growth Boundary above would constitute an unconstitutional taking of a landowner's property; and
 - b. That the amendment and associated land use designation under consideration by the City Council will allow additional land uses approved by the City Council only to the minimum extent necessary to avoid said unconstitutional taking of the landowner's property.
- D. Review of the Urban Growth Boundary:** In 2015, prior to its expiration in 2018, the City shall begin a comprehensive review of the Urban Growth Boundary.

- 2.a I-2.2** Not later than 45 days after approval of this General Plan Amendment, the City shall take all necessary actions to apply for and request that the Santa Clara County Local Agency Formation Commission ("SC LAFCO") relocate the Urban Service Area boundary so that it is coterminous with the Urban Growth Boundary. The City shall take all actions within the scope of its jurisdiction to support and facilitate SC LAFCO's action regarding the City's request to relocate the Urban Service Area Boundary.

Economic Development

- 2.a-I-3** Encourage economic pursuits which will strengthen and promote development through stability and balance.
- 2.a-I-4** Publicize the position of Milpitas as a place to carry on compatible industrial and commercial activities with special emphasis directed toward the advantages of the City's location to both industrial and commercial use.
- 2.a-I-5** Maintain policies that promote a strong economy which provides economic opportunities for all Milpitas residents within existing environmental, social fiscal and land use constraints.
- 2.a-I-6** Endeavor to maintain a balanced economic base that can resist downturns in any one economic sector.
- 2.a-I-7** Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention.
- 2.a-I-8** Establish redevelopment projects to secure funds that can be used to attract commercial, industrial, and residential development in order to eliminate blight and improve an area.

Community Identity

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| 2.a-I-9 | Preserve and maintain the historical landmarks of Milpitas and its physical setting so the residents will recognize they are a part of a distinctive and dynamic community. | <i>Detailed policies related to historic preservation are in Section 4.9.</i> |
| 2.a-I-10 | Foster community pride and growth through beautification of existing and future development. | <i>A master streetscape and public spaces plan could help to design and identify detailed actions. For more detailed policies, see Section 4.7: Scenic Resources and Routes.</i> |

Residential Development

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| 2.a-I-11 | Create a park-like quality for all residential areas through the PUD process and the judicious siting of parks, schools and greenways throughout those areas. | |
| 2.a-I-12 | Use zoning for new residential developments to encourage a variety and mix in housing types and costs. | <i>This policy is also in the Housing Element</i> |
| 2.a-I-13 | Geographically disperse similar development types throughout the community so that denser districts are not concentrated within a single area of the City. | <i>This policy is also in the Housing Element</i> |

Hillside Development

(For policies relating to crestline and scenic resources protection, see Section 4.9: Scenic Resources and Routes: for safety issues related to hillside development, See Section 5.5: Seismic and Geologic Hazards.)

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| 2.a-I-14 | Encourage clustered housing and planned unit developments to reduce the visual impact as viewed from the Valley Floor, preserve natural topographic features, avoid geologic hazards and provide open space in residential areas. |
| 2.a-I-15 | Where planned unit developments are not undertaken, protect major portions of the subdivision with open space easements. |

2.a-I-16 Limit new development in the Hillside Area to only to Very Low Density Residential, open space and park uses.

2.a-I-17 In order to preserve the natural topography of the hillside, limit densities otherwise permitted in the hillside according to a slope-density formula.

Section XI-10-45.03 of the Zoning Ordinance elaborates upon these requirements.

2.a-I-18 To ensure that development in the foothills is in keeping with the natural character of the hillside, and that views are protected, require city review and approval of all proposed development or major alterations to existing development in the hillside. As part of the review, ensure that:

Section XI-10-45.09 of the Zoning Ordinance prescribes the review requirements in detail.

- landscaping is of a type indigenous to the area;
- that building designs, materials and colors blend with the environment; and
- grading is minimized and contoured to preserve the natural terrain quality.

2.a-I-19 Establish crestline protection areas around the ridges which will ensure that buildings and grading west of the first ridge do not visually penetrate a band of land that lies 100 feet vertically below the apparent crestline when viewed from certain specific sites on the valley floor and that no structures just east of the crestline extend above the crestline sight line.

Town Center

2.a-I-20 Develop the Town Center as an architecturally distinctive mixed-use complex which will add to Milpitas' identity and image.

2.a-I-21 Require development in the Town Center to conform to the adopted design principles/requirements of the Milpitas Redevelopment Agency.

Midtown

- 2.a-1-22** Develop the Midtown area, as shown on the Midtown Specific Plan, as an attractive and economically vital district that accommodates a mixture of housing, shopping, employment, entertainment, cultural and recreational activities organized within a system of landscaped boulevards, streets and pedestrian/bicycle linkages.
- 2.a-1-23** Require development in the Midtown area to conform to the adopted design guidelines/requirements contained in the Midtown Specific Plan.

Child Care

- 2.a-1-24** Encourage the establishment of day care facilities consistent with State standards, including the issuance of use permits for large day care facilities where compatible with surrounding neighborhoods and commercial uses, particularly in public facilities such as community centers, churches, schools and in employment centers and large housing developments.
- 2.a-1-25** Consider zoning code modifications to encourage day care facilities through development bonuses, flexible parking regulations, design provisions for modular units, and similar incentives.
- 2.a-1-26** Collect and disseminate information regarding existing day care facilities and programs to major employees.

Land Use Element Revision

- 2.a-I-27** Undertake a comprehensive revision of the Land Use Element, including the General Plan Diagram prior to the next five year comprehensive review of the General Plan.

The last comprehensive revision of the Land Use Element took place about 20 years ago. While the Midtown Specific Plan addresses many current issues, there is a need for a strategy to maximize underutilized sites, housing land supply, and revitalization of commercial areas in the rest of the City through a comprehensive examination of the City's long-term land needs and availability.

b. Jobs/Housing Relationship

Guiding Principle

- 2.b-G-1** Support jobs/housing balance programs at the local and regional scale intended to reduce the distance needed to commute.

Implementing Policies

- 2.b-I-1** Periodically monitor the jobs/housing balance within the City.

This can be done as part of the Five-year review of the General Plan. (See Section 1.6)

- 2.b-I-2** Consider locating housing in close proximity to industrial developments where they can be served by existing city services and facilities.

This policy is also in the Housing Element

- 2.b-I-3** Provide housing opportunities in Milpitas by meeting the City's regional fair-share housing obligations.

- 2.b-l-4** Support jobs/housing balance programs at the regional scale that reduce in- and out-commuting from Milpitas.

Despite the presence of a greater number of jobs than employed residents, only one-fifth of workers living in Milpitas actually work in the City. Local programs to balance jobs and housing would be effective only if they are part of an overall regional strategy.

c. Schools

Guiding Principle

- 2.c-G-1** Provide adequate school facilities for the City's residents.

The quality of educational programs and facilities is an important component of the community's quality of life and the desirability of the City to new residents and businesses.

Implementing Policies

- 2.c-l-1** Continue working with MUSD, Berryessa Union High School District, and East Side Union School District in its update of the comprehensive facilities plan and to ensure adequate provision of school facilities.

- 2.c-l-2** Locate future school sites on the General Plan Diagram if and when any amendments to the Plan are made that would necessitate new schools.

At this time, additional student population that would result from implementation of the Plan does not justify designation of any new schools on the General Plan Diagram.

- 2.c-I-3** Work with MUSD, Berryessa Union High School District, and East Side Union School District to monitor statutory changes and modify school fee when necessary to comply with statutory changes.

d. Public Facilities and Utilities

Guiding Principles

- 2.d-G-1** Provide all possible community facilities and utilities of the highest standards commensurate with the present and anticipated needs of Milpitas, as well as any special needs of the region.
- 2.d-G-2** Develop adequate civic, recreational, and cultural centers in locations for the best service to the community and in ways which will protect and promote community beauty and growth.

Implementing Policies

- 2.d-I-1** Coordinate capital improvement planning for all municipal service infrastructure with the location and timing of growth.
- 2.d-I-2** Periodically update the City's water and sewer master plans.

